

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON WEDNESDAY, NOVEMBER 4, 2009.

Board Members Present:

William C. Chase, Jr., Chairman

Larry Aylor, Vice-Chairman

Sue D. Hansohn

Steven E. Nixon

Brad C. Rosenberger

Tom S. Underwood

Steven L. Walker

Staff Present:

Frank T. Bossio, County Administrator

Roy B. Thorpe, Jr., County Attorney

John C. Egerton, Planning Director

Sam McLearen, Zoning Administrator

Donna Foster, Deputy Clerk

Barry Atchison, Assistant to the Deputy Clerk

CALL TO ORDER

Mr. Chase, Chairman, called the meeting to order at 7:00 pm.

CITIZEN FORUM

Mr. Chase opened the Citizen Forum and called for comments on any item that was not on the agenda.

George Bryson, Jefferson District, addressed the Board with concerns relative to items he deemed missing from the Library. He indicated that he and his wife had personally developed an inventory list for the Library; however, the list cannot be found. He read and provided a copy of a letter to Admiral Strauss, dated October 24, 1964, to support his claim that the items were once present in the Library. He discussed the value of the missing items and that maps had also been taken from the Courthouse. Mr. Bryson also expressed his concern with the prior Historical Society funds being given to the Library and Museum. He discussed various other concerns he had.

Mr. Chase noted this was the first time he had heard of missing maps and asked Mr. Bryson if he thought he knew where they were. Mr. Bryson referenced the Virginia Room, which Mr. Chase was not familiar with. Mr. Underwood explained that it was the local history room at the Library.

Mr. Bryson added his continued concern with the A. P. Hill Portrait matter.

With no further comments, Mr. Chase closed the Citizen Forum.

APPROVAL OF AGENDA

Mr. Chase called for additions and/or deletions to the agenda.

Mr. Aylor moved, seconded by Mr. Underwood, to approve the agenda as presented.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

VDOT REPORT TO THE BOARD

Mr. Roy Tate, Assistant Residency Administrator provided an update regarding VDOT construction and activity within Culpeper County:

A punch list had been developed for Route 15; Route 3 paving near Route 739 was being completed; Achievement Drive lanes and signals are being worked on; working on Route 745; maintenance items are being addressed such as ditching, cleaning pipes, grading gravel roads, and adding gravel to soft spots, sweeping gravel from intersections to make them safer, and placed stone on Route 522 shoulder area; and continuing litter and animal removal efforts. A speed study was conducted from Rappahannock County line on Route 644 to Route 607 and a 40 MPH speed limit was recommended and approved. Speed limit signs should be in place by the end of the month.

Mr. Chase thanked Mr. Tate for the report.

UNFINISHED BUSINESS**THE BOARD WILL CONSIDER ADOPTING A RESOLUTION REQUESTING VDOT TO RESTRICT THROUGH TRUCK TRAFFIC ON ROUTE 600 (YORK ROAD)**

Mr. Egertson noted a public hearing was held on this item last month regarding the potential of restricting through truck traffic on Route 600 (York Road) near the Village of Stevensburg. He noted that during the public hearing there was input from a local farmer who uses the road and the Board chose to postpone the matter to allow Staff to speak with VDOT on some other options such as installing advisory signage versus closing the road to truck traffic. He noted Mr. Tate had spoken with the appropriate authorities and had reported back that it would be an appropriate place for some advisory signage. Mr. Egertson advised that VDOT had recommended simply posting a sign at each end of Route 600 on Route 3, to indicate that trucks should use

Route 3 and GPS routing was not recommended. He stated basically the idea would be to discourage trucks that are going to take Route 663 up toward Brandy Station to stay on Route 3 and not use York Road. This would still allow local truck traffic such as the property owner that spoke at the hearing to access their property.

Mr. Egertson stated it would be advisory signage and not regulatory. He noted he had prepared a resolution in support of the advisory signage and he recommended that the Board consider adopting the resolution and abandon the original proposal to formally restrict truck traffic on Route 600.

Mr. Chase asked if 'local traffic only signs' were considered. Mr. Egertson stated he had asked VDOT if this would be acceptable; however, after consideration VDOT had proposed the advisory signage as presented.

Mr. Tate noted that based on the comments from the public hearing it was believed that some truckers were using GPS units and these units had no way of knowing the width of the roads, etc.; therefore, it was believed that the proposed signage would better address the issue.

Following further brief discussion, Mr. Underwood moved, Mr. Walker seconded, to approve the Resolution in Support of Advisory Signage For Trucks on Route 3 Approaching Secondary Route 600 (York Road).

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

PUBLIC HEARING (S)

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AN AMENDMENT TO THE FY10 CULPEPER COUNTY PUBLIC SCHOOL OPERATING BUDGET

Mr. Bossio noted the public hearing was to receive comments and consider an amendment to the FY 10 School Operating Budget by increasing the budget by \$1,956,424. This was due to the School System receiving notice that it will receive additional federal funding through the ARRA (American Recovery and Reinvestment Act).

Mr. Chase stated that Dr. Johnson, Superintendent of Schools, was present if anyone had questions. He noted that during the last discussion on the funding and additional school positions, it was agreed that if the funds are no longer available then the positions added would be eliminated.

Mr. Chase opened the public hearing and called for public comment.

There was no one wishing to comment on this issue.

Mr. Chase closed the public hearing.

Mr. Nixon moved, Mrs. Hansohn seconded, approval of the amendment to the FY 10 School Operating Budget by increasing the budget by \$1,956,424.

Mr. Walker reiterated the point that Mr. Chase had made that when the ARRA stimulus funding ceased, then there would be a need to cover the gap or remove the people. He noted that initially the money was supposed to be in place for two years; however, this may not be the case. He wanted to be sure that everyone was aware that the money is tentative and there would be consequences after the money is no longer available.

Dr. Johnson agreed this would be the case.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

UNFINISHED PLANNING COMMISSION BUSINESS – PUBLIC HEARING

CASE NO. U-2156-09-1. Request by John A. Covington and Donald C. Wells, Jr. for a use permit to allow a licensed shooting preserve. The property is located on Route 663 in the Stevensburg Magisterial District and contains 209.8 acre. Tax Map/Parcel No. 53/6.

Mr. Egertson displayed a tax map indicating the location of the property at Stevensburg where the applicant was requesting approval of a use permit to operate a public shooting preserve on the Rose Hill Farm. He noted that this item was discussed last month and was postponed following a public hearing in which a few questions were raised and the applicant was not present last month. Mr. Egertson noted the applicant was present at this meeting.

Mr. Egertson noted the request was to operate a shooting preserve which would involve primarily the hunting of birds and a license was required from the Virginia Department of Game and Inland Fisheries that carries a number of conditions. These conditions were provided previously. He outlined the proposed as approved by the Planning Commission and revised by Staff based on discussions by the Board members at the last meeting:

POTENTIAL REVISED USE PERMIT CONDITIONS, CASE NO. U-2156

1. This use permit shall be valid for a period of ten five (5) years, and must be properly licensed by the Virginia Department of Game and Inland Fisheries at all times.
2. The commercial shooting preserve shall be limited to hunting with the use of shotguns with birdshot only, no larger than number five shot for upland game.
3. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. daily Monday through Saturday, and noon to 5:00 p.m. on Sunday. When shooting waterfowl, hours must comply with state game regulations.
4. The operators of the preserve shall maintain a minimum of one million dollars of liability insurance at all times.
5. No shooting activity on the site shall be permitted within 200 300 feet of any property line, and these areas must be clearly marked. This provision may be waived with the written permission of the adjoining property owner.

Mr. Egertson stated applicant might want to address some of the conditions. He noted that once the conditions are agreed upon the request was recommended for the Board's approval.

Mr. Nixon questioned the wording in item 5 which stated, "This provision may be waived..." and asked if this meant there could be no buffer at all. Mr. Egertson responded yes if the adjoining property owner agreed. He noted that the applicant had indicated that one of his neighbors is the quarry and the applicant believed the owner would not require a buffer and would be willing to sign a waiver and he would like the ability to do this.

Mr. Nixon noted that ending at 5 p.m. would be pretty early in the summer months. Mr. Egertson stated the applicant would have to comment on this, but this was established in the initial conditions.

John Covington came forward and also recognized the co-owner Don Wells. He apologized for not being present last month. Mr. Covington noted that he had spoken with the quarry owners and they were happy with there being no buffer and would probably want to utilize the hunting preserve. Mr. Covington stated that they had spoken with the Stegmaiers and they had defined a 300-foot buffer line. He noted they did not intend to shoot in the area near the Stegmaiers.

Mr. Covington explained that most of the hunting would be conducted within the 80-100 acre strip adjacent to the quarry and behind the large berm near Route 3. He illustrated on the screen the layout of the property, the existing buffers, and where the hunting would be allowed. He affirmed the hunting would never be unsupervised, but would be conducted with a guide.

Mr. Covington stated that businesses take several years to get going; therefore, he requested that the permit be granted for ten years. He explained the hours were acceptable because the season really runs from around October to April. He stressed his need to have the same hours for Sunday, because Saturday and Sunday were important days for this type business. Mr. Covington did not believe that the shooting would be a disturbance to the Church on Sundays.

Mr. Chase commented that he had toured the property and that it was a beautiful set up. He believed as long as the shooting was west of the house there should be no problems. He asked if Mr. Covington was agreeable with the 300-foot buffer from the Stegmaier's road. Mr. Covington stated this was no problem, because a good portion of the restricted 300 feet was a restricted wildlife area.

Mr. Chase said he had also talked with the church and they did not seem to have a problem with it.

Mr. Nixon asked if Mr. Covington wanted to change the hours on Sunday to 7 a.m. to 5 p.m. Mr. Covington responded yes; however, he doubted they would shoot as early as 7 a.m. and noted under the State regulations waterfowl could not be hunted on Sunday.

Mr. Covington further explained that he did not expect that they would have enough business to operate seven days a week; it would probably be only several days a week.

Mrs. Hansohn asked if the church discovered that it was a distraction, could the case be revisited. Mr. Chase stated no.

Mr. Aylor pointed out hunting was not allowed on Sunday. Mr. Covington explained that special permits for registered shooting areas and weekend type recreation was allowed on Sunday, but for wild game hunting all the same rules applied.

Mr. Chase opened the public hearing and called for public comment.

There was no one wishing to comment on this issue.

Mr. Chase closed the public hearing.

Mr. Walker asked if there was a way to address Mrs. Hansohn's question on having a window to verify that there is no problems with the shooting on Sunday.

Mr. Egertson did not believe there was, because once the use permit is approved for a specific time then it would not be revisited until the time of renewal. He believed

this was the reason there was a suggestion at last month's meeting to limit the permit to five years.

Mr. Thorpe agreed, but noted a provision could be added that the Board of Supervisors would annually review the business' operations to determine if there was interference with other properties. He believed this would make it very difficult for the property owner to operate since it could change from year to year. He knew of cases when this type limitation had been used; it did not work well for the owner.

Mrs. Hansohn questioned if the shooting on Sunday could be restricted during the hours of 10 a.m. to 12 noon.

Mr. Aylor stated one of his concerns was the noise. He recognized that the property had been in the family for generations and they certainly seemed like reasonable neighbors; however, he would be more comfortable with a five-year permit being issued and if no problems were reported then it could be renewed. He noted he trusted them to be good neighbors, but with the shorter time frame if there were problems, the conditions could be changed.

Mr. Chase stated it was a large investment and if it were him, it would make him nervous to know he had to come back in such a short time frame.

Mr. Nixon asked if it was possible to have a short-term window (six months) to try the shooting preserve and if there are no complaints then it could be issued automatically without further hearings.

Mr. Egertson believed this would be possible if it was all spelled out clearly in the approval. Mr. Chase pointed out that there had a private preserve and hunting on the property for some years.

Don Hayden, Farm Manager for Rose Hill, noted there was a lot of deer hunting in the area with rifles that could be heard for great distances away. He noted they would not be using rifles; it would be shot gun with bird shot only and the sound does not travel far.

Further discussion ensued on the points raised and various options to address them.

Mr. Underwood moved, Mr. Aylor seconded, to approve the permit as recommended by Staff with the hours being 7 a.m. to 5 p.m. daily.

Mr. Rosenberger stated in regard to Mrs. Hansohn's concern with shooting on Sundays, it appeared to him that trial shooting on Sundays to see if there were any complaints could be done prior to issuing the permit. He believed this should determine if there were any problems for the church during its services.

Discussion ensued relative to addressing the possible noise complaints. Mr. Nixon suggested that a temporary conditional use permit be granted and if the Planning Director did not receive any complaints then he and his staff could administratively renew the conditional permit.

Further discussion ensued on how any issues raised could be addressed as needed. Mr. Covington agreed he could live with the special permit period.

Mr. Nixon moved to amend the motion to state the Board grant a 90-day provisional use permit and at the end of the 90 day period if there are no complaints from the Sunday morning shoot, the permit will administrative be renewed for a ten year period as requested. Mr. Aylor seconded.

Mr. Underwood indicated he had no objection to the amended/substitute motion.

Mr. Rosenberger noted that he had a problem with the amendment because he did not believe it was advisable to do a ten-year permit based on a 90-day trial period. He suggested it be left at five years.

Mr. Nixon stated he was comfortable with ten years because of the sizable investment the owners had made and they have gone out of their way to meet the concerns of their neighbors and they are willing to wait the 90 days to make sure there are not complaints. He noted the trial period could be extended.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Nixon, Rosenberger, Underwood, Walker

Nays - Hansohn

Motion carried 6 to 1.

Mr. Chase asked if Mr. Egertson had a clear understanding of what was approved. Mr. Egertson stated yes.

Mr. Covington asked for clarification. Mr. Egertson briefly outlined the following conditions of the use permit approval:

1. This use permit shall be valid for a period of ten (10) years, and must be properly licensed by the Virginia Department of Game and Inland Fisheries at all times.
2. The commercial shooting preserve shall be limited to hunting with the use of shotguns with birdshot only, no larger than number five shot for uplandgame.

3. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. daily Monday through Saturday. When shooting waterfowl, hours must comply with state game regulations.

4. The operators of the preserve shall maintain a minimum of one million dollars of liability insurance at all times.

5. No shooting activity on the site shall be permitted within 300 feet of any property line, and these areas must be clearly marked. This provision may be waived with the written permission of the adjoining property owner.

The permit would be valid initially for a period of 90 days and at that time it would be reviewed administrative by the Zoning Administrator and if found to be compliant without complaints it would extend to the full 10-year period. However, if there were complaints it would renew for 10 years, but the hours would be changed to 12 Noon to 5 p.m. on Sundays.

Mr. Thorpe asked if Mr. Egertson provided a written copy to the applicant so they would understand the exact conditions. Mr. Egertson stated yes.

Mr. Chase asked if it would come back to the Board to weigh the complaints. Mr. Egertson stated the way he understood it, it would not come back to the Board.

Mr. Thorpe noted the motion was to handle the matter administratively and that only complaints concerning Sunday shooting would be considered.

Mr. Covington asked for clarification that the complaints considered would be only those that might be made related to the Sunday hours. He was told that this was correct.

NEW PLANNING COMMISSION BUSINESS – PUBLIC HEARING

CASE NO. U-2158-09-1. Request by Katherine A. Ferrari for a conditional use permit to allow an agricultural use (keeping of horses) in an R-1 (Residential) zoning district. The property is located on Route 211 in the Jefferson Magisterial District and contains 12.82 acres. Tax Map/Parcel Nos. 2/33B, 33C.

Mr. McLearen informed the Board that the Planning Commission considered this case after the proper advertising and public hearing held on Wednesday, October 14, 2009. The Planning Commission found this request to be consistent with Article 17 of the Zoning Ordinance with the following conditions:

1. This use permit shall allow the keeping of no more than three (3) horses on the property.
2. Horses shall be contained in an open, fenced area and existing trees shall be maintained as a buffer as shown generally on the applicant's Exhibit A
3. This use permit shall remain valid for as long as the applicant remains the owner of the property. Upon motion duly carried, the Planning Commission recommends to the

Board of Supervisors that this use permit be approved with the above referenced conditions.

Mr. Egertson referenced the map displayed on the screen and highlighted the property that is located just off of Route 211. He advised the keeping of horses was only permissible by use permit. The property contains roughly 12 acres and approximately five acres are open and will be fenced. He noted there was an existing wooded buffer that would be maintained between the property and the neighbors. Mr. Egertson stated, with the conditions as stated, the case was recommended for approval.

Mr. Chase asked if the applicant had any comments she wished to make. Ms. Ferrari responded no.

Mr. Chase opened the public hearing and called for public comment.

Frank Goda, 2012 Freeman Drive, noted he owned an adjacent lot to the applicant. He asked if the applicant planned to include any commercial activity on the use of the property. Ms. Ferrari responded no.

Mr. Goda asked if the owners sold the property did it revert back to residential. He was informed that it would revert back to residential. Mr. Goda noted there were other properties in the area where people were running ATV's and it was becoming quite noisy.

There being no one else wishing to comment, Mr. Chase closed the public hearing.

Mr. Rosenberger moved, Mr. Walker seconded, to approve the use permit with conditions as recommended.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS – PUBLIC HEARING

ADDITION TO THE DEATHERAGE RUN AGRICULTURAL AND FORESTAL DISTRICT. Request by Mark and Karen Attanasio to add 32.313 acres to the Deatherage Run Agricultural and Forestal District. This property is located on Route 630 in the Jefferson Magisterial District. Tax Map/Parcel No 21/87.

Mr. McLearen informed the Board that the Planning Commission considered the application after the proper advertising and public hearing held on Wednesday, October 14, 2009. The Planning Commission concurred with the Agricultural and Forestal District Advisory Committee that this property would be a valuable addition to the district. Upon motion duly carried, the Planning Commission recommended to the Board of Supervisors that this addition to the Deatherage Run Agricultural and Forestal District be approved, and that the ordinance modifying the District be adopted.

Mr. Egertson referenced the tax map shown on the screen and noted the addition was recommended for the Board's approval.

Mr. Chase opened the public hearing and called for public comment.

There was no one wishing to comment on this issue.

Mr. Chase closed the public hearing.

Mr. Rosenberger moved, Mr. Aylor seconded, to approve the Planning Commission's recommendation that the addition to Deatherage Run Agricultural and Forestal District be approved.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS – PUBLIC HEARING

ADDITION TO THE BRANDY STATION AGRICULTURAL AND FORESTAL DISTRICT. Request by H. G. Van Der Goltz to add 117.45 acres to the Brandy Station Agricultural and Forestal District. This property is located on Route 663 in the Stevensburg Magisterial District. Tax Map/Parcel Nos. 32/55, 55A, and 55B.

Mr. McLearen informed the Board that the application was considered by the Planning Commission after proper advertising and public hearing held on Wednesday, October 14, 2009. The Planning Commission concurred with the Agricultural and Forestal District Advisory Committee that this property is a valuable addition to the district. The applicant intends to use the property for grazing and hay production. Upon motion duly carried, the Planning Commission recommends to the Board of Supervisors that this addition to the Brandy Station Agricultural and Forestal District be approved, and that the ordinance modifying the District be adopted.

Mr. Egertson referenced the tax map shown on the screen and noted the addition was recommended for the Board's approval.

Mr. Chase opened the public hearing and called for public comment.

There was no one wishing to comment on this issue.

Mr. Chase closed the public hearing.

Mr. Aylor moved, Mr. Nixon seconded, to approve the Planning Commission's recommendation that the addition to Brandy Station Agricultural and Forestal District be approved.

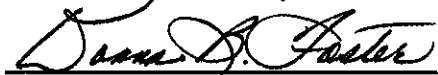
Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

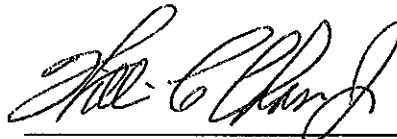
Motion carried 7 to 0.

ADJOURNMENT

On motion by Mrs. Hansohn, the meeting was adjourned at 8:14 p.m.

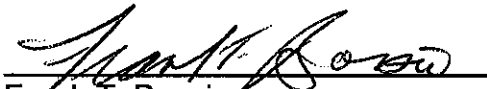


Donna B. Foster, MMC
Deputy Clerk



William C. Chase, Jr., Chairman

ATTEST:



Frank T. Bossio
Clerk to the Board

Approved: December 1, 2009